

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Anthony Little,
Plaintiff,

v.

Case No. 1:05cv587

Warden, Warren Correctional Institution,
Defendant.

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed September 12, 2007(Doc. 7).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** with prejudice. A certificate of appealability should not issue consistent with the Report and Recommendation of the Magistrate Judge. In addition, an appeal of any order adopting said Report and Recommendation would not be taken in good faith therefore any appeal by the Petitioner *in*

forma pauperis must be upon a good showing of financial necessity. This action is closed.

IT IS SO ORDERED.

bac

October 17, 2007

S/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court